

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOSEPH GERHART, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:11-cv-00586-HTW-LRA

RANKIN COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

**MUNICIPAL DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT**

Municipal Defendants the City of Pearl, Mississippi, Ben Schuler, Jaime Scouten, and Johnny Barnes file this motion to dismiss or, in the alternative, motion for summary judgment. Plaintiffs have filed a fourth amended complaint that includes parties and claims that previously were dismissed as a result of this Court's summary judgment rulings and the Fifth Circuit's qualified-immunity opinions. Municipal Defendants incorporate their prior summary judgment papers, this Court's summary judgment rulings, and the Fifth Circuit's opinions and respectfully request that this Court enter an order clarifying that the only parties and claims remaining in this case are as follows: a Fourth Amendment unlawful entry claim against Defendant McAlpin, Defendant McLendon, and Defendant Barnes and a Fourth Amendment excessive force claim against Defendant McAlpin.

Dated: September 14, 2018.

Respectfully submitted,

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BY: /s/ G. Todd Butler

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CERTIFICATE OF SERVICE

This will certify that undersigned counsel has filed the foregoing with the Clerk of the Court, utilizing the Electronic Case Filing system, which sent notification of such filing to the following counsel of record:

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DATED, this the 14th day of September, 2018.

/s/ G. Todd Butler

G. TODD BUTLER